

Staff Summary Report



Council Meeting Date: 09/18/08

Agenda Item Number: _____

SUBJECT: This is the second public hearing to amend Chapter 2 of the Tempe City Code relating to Administration by amending Section 2-32 relating to the Establishment of Prosecution Assessment.

DOCUMENT NAME: 20080918cacc01 **TCC CH 2 – CITY CODE ADMINISTRATION (0503-02)**
Ordinance No. 2008.47.

SUPPORTING DOCS: No.

COMMENTS: Changes the prosecutor assessment from \$50 to \$100 for each case based upon a criminal or petty offense arising out of a violation of Arizona Revised Statutes, the Tempe City Code or the City of Tempe Zoning and Development Code.

PREPARED BY: Andrew B. Ching, City Attorney (350-8575)

REVIEWED BY: N/A

LEGAL REVIEW BY: N/A

FISCAL NOTE: The increase in the assessment was included as part of the 2008-2009 budget projections, in order to offset the increasing cost to the City of Tempe of the criminal justice system.

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2008.47.

ADDITIONAL INFO: This ordinance deletes the enumeration of the stated prosecution assessment from the City Code and places the assessment in the Schedule of Fees and Charges as specified in the Appendix. This is consistent with past practice. The increase in the assessment from \$50 to \$100 will be accomplished by resolution. A copy of the resolution showing the change in the Appendix is attached for reference.

RESOLUTION NO. 2008.____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TEMPE, ARIZONA, AMENDING THE SCHEDULE OF
FEES AND CHARGES AUTHORIZED BY THE CITY CODE
RELATING TO PROSECUTION ASSESSMENT.**

WHEREAS, Resolution No. 93.81 establishes a schedule of fees and charges in effect in the City; and

WHEREAS, Tempe City Code, Section 2-32 authorizes the City Council to establish by resolution a prosecution assessment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA:

Fees and charges, as contained in the Schedule of Fees and Charges, Chapter 2, Administration are hereby amended as follows:

ADMINISTRATION

2-32 PROSECUTION ASSESSMENT\$ 100.00

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this ____ day of _____, 2008.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

ORDINANCE NO. 2008.47

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING CHAPTER 2, OF THE TEMPE CITY CODE, RELATING TO ADMINISTRATION BY AMENDING SECTION 2-32 RELATING TO THE ESTABLISHMENT OF A PROSECUTION ASSESSMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That Section 2-32 of the Tempe City Code is hereby added as follows:

Sec. 2-32. Establishment of prosecution assessment.

(a) The city court shall assess each person prosecuted by the State in which an adjudication of guilt is entered a prosecution assessment of ~~not less than fifty dollars (\$50)~~ AS ESTABLISHED BY CITY COUNCIL RESOLUTION (SEE APPENDIX A) for each case based upon a criminal or petty offense arising out of a violation of Arizona Revised Statutes, the Tempe City Code or the City of Tempe Zoning and Development Code.

(b) Upon a finding of indigency or in the interests of justice, the city court may waive this assessment if it also waives all other fees or assessments that it has discretion to waive.

(c) The prosecution assessment shall be collected by the city court for deposit into the city general fund.

Section 2. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2008.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney